



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Agenda CITY COUNCIL

R. Steve Tumlin, Mayor
Stuart Fleming, Ward 1
Grif Chalfant, Ward 2
Johnny Walker, Ward 3
G A. (Andy) Morris, Ward 4
Vacant, Ward 5
Michelle Cooper Kelly, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, June 8, 2016

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Council Member Michelle Kelly, Ward 5

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

20160543 Citizens' Government Academy Graduates

The following are graduates from our 2016 Citizens' Government Academy Class

Sherstin Batista	Pat Jester
Ken Bittinger	Willie Mae Jones
Sharon Bittinger	Jennifer Kobylus
Fred Brown	Nancy Loeffel
Laurie Crowe Middleton	Ellen McNeel
Patrick Dale	Fred Onken
King Dasher	Becky Stiles
Kelly Evans	Jim Suss
Cedric Evans St.	Gerald Weaver
Rafael Garcia	Pat Wills
Victor Jester	

20160562 Graduates from the Marietta Citizens' Police Academy

Acker, Cynthia	Hess, Allan
Acker, Daniel	Mason, Ron
Eison, Jerry	Mayer, Joan
Eison, Linda	Norris, Dewaine
Estep, Deborah	Powers, Patricia
Gheesling, Murray	Shelow, Robert
Gheesling, Karen	Smith, Ann
Harlow, Heather	Wilson, Mary

PROCLAMATIONS:**20160503 Outstanding Young Citizen**

Presentation of a Proclamation by Mayor Tumlin and Council Member Michelle Kelly to Sophie Edwards, a 7th Grader at Marietta Middle School for her outstanding accomplishments.

ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:**SCHEDULED APPEARANCES:**

Each speaker is allotted five (5) minutes.

CONSENT AGENDA:

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

MINUTES:*** 20160548 Regular Meeting - May 11, 2016**

Review and approval of the May 11, 2016 regular meeting minutes.

*** 20160549 Special Meeting - May 20, 2016**

Review and approval of the May 20, 2016 special meeting minutes.

* **20160550 Executive Session Minutes**

Review and approval of the following executive session minutes:

- September 10, 2014 Agenda Review Session
- September 23, 2014 Special Called Agenda Work Session
- October 6, 2014 Agenda Work Session
- October 8, 2014 Agenda Review Session
- November 10, 2014 Agenda Work Session

20160603 Executive Session Minutes

Review and approval of the Executive Session Minutes for Thursday, December 18, 2014, Special Called Agenda Work Session

MAYOR'S APPOINTMENTS: (for informational purposes only)

20160573 Marietta Housing Authority Appointment

Appointment of Chervonta "Taye" Pugh to the Marietta Housing Authority Board for a one-year term expiring May 31, 2017.

20160574 Marietta Housing Authority Appointment

Appointment of Andre Sims to the Marietta Housing Authority for a five (5) year term expiring May 31 2021.

CITY COUNCIL APPOINTMENTS:

* **20160454 Historic Preservation Commission Appointment - Ward 1**

Appointment of Brian McNair to the Marietta Historic Preservation Commission (Ward 1), to fill the unexpired term of Amy Robbins, expiring January 14, 2018.

* **20160545 Planning Commission Appointment**

Appointment of Jay Davis to the Planning Commission (Ward 1) for a term of three (3), expiring June 8, 2019.

* **20160557 Historic Board of Review Appointment**

Appointment of Kellie Contreras to the Historic Board of Review (Ward 6) for a term of two (2) years, expiring June 8, 2018.

Council member Goldstein disclosed that Kellie Contreras is one of his tenants.

* **20160597 Cobb-Marietta Water Authority Appointment**

Motion appointing Grif Chalfant to the Cobb-Marietta Water Authority for a term of five (5) years, expiring August 14, 2021.

ORDINANCES:

* **20160368 Z2016-10 [REZONING] ASHLEY PECKICH**

Z2016-10 [REZONING] ASHLEY PECKICH is requesting the rezoning of 3.28 acres located in Land Lot 1225, District 16, Parcel 1410 2nd Section, Marietta, Cobb County, Georgia, and being known as 999 Whitlock Avenue Suite 1 from NRC (Neighborhood Retail Commercial) to NRC (Neighborhood Retail Commercial) with an additional use for indoor dog boarding. Ward 3A.

The Planning Commission recommends approval per the stipulation letter.

Mr. Poor made a motion, seconded by Mr. Rosenbury to recommend approval per the stipulation letter received from Sams, Larkin, Huff & Balli, LLP dated May 27, 2016. The motion carried 7 0 0.

PUBLIC HEARING (all parties are sworn in)

* **20160369 Z2016-11 [REZONING] THE SUTTON GROUP (CHERYL WHITMER)**

Z2016-11 [REZONING] THE SUTTON GROUP (CHERYL WHITMER) is requesting the rezoning of 0.46 acres located in Land Lot 1014, District 16, Parcels 0840, 0830, and 0810, 2nd Section, Marietta, Cobb County, Georgia, and being known as 387 & 390 Roselane Street; and 880 Cogburn Avenue from R-2 (Single Family Residential - 2 units / acre) to OI (Office Institutional). Ward 4B.

The Planning Commission recommends approval.

Mr. Vanderslice made a motion, seconded by Mr. Diffley to recommend approval as submitted. The motion carried 7 0 0.

PUBLIC HEARING (all parties are sworn in)

20160385 Z2016-12 [REZONING] FROG DEVELOPMENT, LLC

Z2016-12 [REZONING] FROG DEVELOPMENT, LLC is requesting the rezoning of 0.25 acres located in Land Lot 1216, District 16, Parcel 0530, 2nd Section, Marietta, Cobb County, Georgia, and being known as 413 Washington Avenue from OIT (Office Institution Transitional) to OIT (Office Institution Transitional) with an additional use as a residence. Ward 5A.

The Planning Commission recommends approval.

Mr. Diffley made a motion, seconded by Mr. Hunter to recommend approval as submitted. The motion carried 5 2 0. Mr. Vanderslice and Mr. Poor opposed.

PUBLIC HEARING (all parties are sworn in)

20160386 Z2016-13 [REZONING] HCA REALTY, INC (TRATON HOMES, LLC)

Z2016-13 [REZONING] HCA REALTY, INC (TRATON HOMES, LLC) is requesting the rezoning of 13.92 acres located in Land Lots 1016 and 1017, District 16, Parcels 0190, 0210, 0100, and 0300, 2nd Section, Marietta, Cobb County, Georgia, and being known as 720, 730, and 750 Canton Road; and 899 Cobb Parkway North from OI (Office Institutional) to PRD-MF (Planned Residential Development - Multi-Family). Ward 5B.

Council member Goldstein disclosed that he and/or entities that he owns or is affiliated with have been represented by Kevin Moore.

The Planning Commission recommends approval as Stipulated

Mr. Vanderslice made a motion, seconded by Mr. Poor to recommend approval to rezone to PRD MF with the site plan labeled as Exhibit "A" that was included in the stipulation letter from Moore Ingram Johnson & Steele, LLP dated June 1, 2016. The motion carried 4 3 0. Mr. Diffley, Ms. McCrae and Mr. Kinney opposed.

PUBLIC HEARING (all parties are sworn in)

* **20160387 Z2016-14 [REZONING] SOUTH COAST INVESTORS, LCC (SAWCO DEVELOPMENT GROUP, LLC)**

Z2016-14 [REZONING] SOUTH COAST INVESTORS, LCC (SAWCO DEVELOPMENT GROUP, LLC) is requesting the rezoning of 0.73 acres located in Land Lot 1216, District 16, Parcel 0430, 2nd Section, Marietta, Cobb County, Georgia, and being known as 362 Lawrence Street from R-4 (Single Family Residential - 4 units / acre) to OIT (Office Institution Transitional). Ward 5A.

The Planning Commission recommends approval as stipulated.

Mr. Rosenbury made a motion, seconded by Mr. Hunter to recommend approval per the stipulation letter received from Sams, Larkin, Huff & Balli, LLP dated May 23, 2016. The motion carried 7 0 0.

PUBLIC HEARING (all parties are sworn in)

* **20160309 CA2016-04 [CODE AMENDMENT]**

CA2016-04 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 708.01(B), Division 708.02(B), Division 708.03(B) Division, 708.04(B), Division 708.23(B), Division 708.23(D), Division 712.01(Table B), Division 712.02(B), Division 712.02(C), and Division 724.02 Definitions, regarding personal care homes and group homes.

The Planning Commission recommends approval

Ms. McCrae made a motion, seconded by Mr. Poor to recommend approval as submitted. The motion carried 7 0 0.

PUBLIC HEARING (all parties are sworn in)

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

CITY MANAGER'S REPORT:

MAYOR'S REPORT:

COMMITTEE REPORTS:

1. Economic/Community Development: G. A. (Andy) Morris, Chairperson

* **20160502 Program Year 2016 CDBG Sub-recipient Agreement**

Approval of a Resolution re-amending the program year 2016 CDBG Sub-recipient Agreement between the City of Marietta and Cobb County CDBG Program.

2. Finance/Investment: Stuart Fleming, Chairperson

* **20160452 2016 GMA Annual Convention**

Motion approving travel and training expenses for the Mayor and Council members who wish to attend the Georgia Municipal Association (GMA) 2016 Annual Convention in Savannah, GA June 23 - 28, 2016.

* **20160464 Adoption of Recommended Budget for FY2017**

Motion approving an Ordinance adopting an Annual Budget for the fiscal year beginning July 1, 2016 and ending June 30, 2017, for the various funds of the City of Marietta and enacting the tentative Ad Valorem tax levies for said fiscal year for support of the City of Marietta governmental operations and other public purposes, and debt service obligations.

* **20160478 Financial Advisory Agreement for refunding 2009 Citywide Project Revenue Bonds**

Motion approving the Financial Advisory Agreement with Raymond James and Associates for Financial Advise Server for the refunding of the 2009 Citywide Project Revenue Bonds.

* **20160479 To Engage Services of Bond Attorney**

Motion to engage Teresa P. Finister of Murray, Barnes, Finister, LLP as Bond Counsel for a fee not to exceed \$35,000 and to serve as Disclosure Counsel for a fee not to exceed \$25,000 contingent upon the issuance of new bonds for the refunding of the 2009 DMDA Citywide Project Revenue Bonds.

* **20160487 Donation to the Tree Preservation Fund by PRO Building Systems, Inc. (Ed Voyles)**

Ordinance approving an amendment to the Fiscal Year 2016 Tree Preservation Fund budget to receive and appropriate a donation from PRO Building Systems, Inc. (Ed Voyles) for the amount of \$11,275.

3. Judicial/Legislative: Philip M. Goldstein, Chairperson

* **20160501 1019 Franklin Gateway - Request to Advertise Rezoning**

Motion to authorize staff to advertise the rezoning of 1019 Franklin Gateway (Marquis Place Apartments) from PRD-MF to PCD.

20160498 First Christian Church (Disciples of Christ) - Fence Stipulation

Motion to approve the request by First Christian Church (Disciples of Christ) Marietta Georgia, Inc. to replace stipulations #5 of Z2016-01 (#20151122) regarding fencing between 553 and 559 Frasier Street with:

5. Outside walk-in cooler shall be screened by pressure treated wood fencing material (but not attached to) the exterior side of the cooler, which shall extend 2 feet above the side of the cooler to screen the compressors.

4. Parks, Recreation, and Tourism: Michelle Cooper Kelly, Chairperson

* **20160486 Frasier/Manget/Lakewood Park Plan**

A motion approving the concept plan dated June 7, 2016, and labeled Exhibit A; further, authorizing staff to proceed with development of a detailed plan and construction documents to implement said concept plan, including the addition of a split rail fence as necessary, and authorizing the City Attorney to proceed with negotiations for additional land acquisition.

* **20160493 FY2017 Tourism Grants**

Motion to approve the grant amounts presented for each tourism organization as included in the Welcome Center Contract:

Atlanta Lyric Theatre -	\$28,666
Earl Smith Strand Theatre -	\$45,000
The Georgia Ballet -	\$ 5,000
Georgia Symphony Orchestra -	\$15,000
Marietta/Cobb Museum of Art -	\$83,666
Gone with the Wind Museum -	\$40,222
Zion Baptist Church -	\$10,000
Marietta Museum of History	\$130,780
Cobb NAACP's Juneteenth	\$10,500
Symphony on the Square	\$11,166

Council member Goldstein disclosed that he is an owner of and a general partner for the Herbert S. Goldstein Family Limited Partnership that owns the Earl Strand Theater at 115-119 North Park Square, Marietta GA. The tenant is Friends of the Strand, Inc. Council member Goldstein also owns the property occupied by and leased to Lyric Theater at West Anderson Street. Council member Goldstein abstains on and will not participate on allocation of funds to the above two (2) entities.

Council member Goldstein is or has been a member of: Friends of Brumby Hall, Inc., Cobb Landmarks and Historical Society, Inc., Marietta-Cobb Museum of Art, member or participant of Marietta Square Branding Project, Inc; and the Marietta Museum of History.

Council Member Goldstein's wife, Elise, is a volunteer in the Georgia Symphony Chorus, which is part of or under Georgia Symphony Orchestra.

Council member Goldstein abstaining

20160599 Tourism Grants - City Services

Motion to approve \$88,418.67 (as allocated) to city services as part of the tourism grants to cover city services for various tourism events during FY2017 as included in the Welcome Center Contract.

City Service Funded Events

Marietta/Cobb Museum of Art -	\$16,000.00
Marietta Museum of History -	\$ 6,856.54
The Branding Project	\$37,000.00
Cobb NAACP Juneteenth	\$10,458.84
Welcome Center	\$18,103.29

Council member Goldstein disclosed that he is an owner of and a general partner for the Herbert S. Goldstein Family Limited Partnership that owns the Earl Strand Theater at 115-119 North Park Square, Marietta GA. The tenant is Friends of the Strand, Inc. Council member Goldstein also owns the property occupied by and leased to Lyric Theater at West Anderson Street. Council member Goldstein abstains on and will not participate on allocation of funds to the above two (2) entities.

Council member Goldstein is or has been a member of: Friends of Brumby Hall, Inc., Cobb Landmarks and Historical Society, Inc., Marietta-Cobb Museum of Art, member or participant of Marietta Square Branding Project, Inc; and the Marietta Museum of History.

Council Member Goldstein's wife, Elise, is a volunteer in the Georgia Symphony Chorus, which is part of or under Georgia Symphony Orchestra.

Council member Goldstein abstaining

20160600 Capital Special Tourism

Motion to approve the following tourism allocations as part of the Capital Special Tourism designation to be incorporated in the Welcome Center Contract.

Branding Project	\$39,000
Public Safety Message Board	\$38,800
Public Safety Vapor Weight Dog	\$ 6,650
Friends of Brumby Hall	\$ 5,000

Council member Goldstein disclosed that he is an owner of and a general partner for the Herbert S. Goldstein Family Limited Partnership that owns the Earl Strand Theater at 115-119 North Park Square, Marietta GA. The tenant is Friends of the Strand, Inc. Council member Goldstein also owns the property occupied by and leased to Lyric Theater at West Anderson Street. Council member Goldstein abstains on and will not participate on allocation of funds to the above two (2) entities.

Council member Goldstein is or has been a member of: Friends of Brumby Hall, Inc., Cobb Landmarks and Historical Society, Inc., Marietta-Cobb Museum of Art, member or participant of Marietta Square Branding Project, Inc; and the Marietta Museum of History.

Council member Goldstein's wife, Elise, is a volunteer in the Georgia Symphony Chorus, which is part of or under Georgia Symphony Orchestra.

Council member Goldstein abstaining

20160601 Welcome Center Contract

Motion to approve the Welcome Center Contract as allocated and tourism funding and the Lease at 18 Whitlock Avenue.

Council member Goldstein abstaining

5. Personnel/Insurance: Johnny Walker, Chairperson*** 20160400 Military Leave**

Approval of ordinance amending the language in Section 4-4-16-060 regarding paid leaves of absence related to military leave. The change allows the City/BLW to pay employees the difference in salary if their military basic pay is lower than their City/BLW salary.

20160346 Maternity Leave

Approval of ordinance adding Section 4-4-16-085 (Maternity leave) allowing full-time employees who have been employed with the City/BLW for at least one year to receive four (4) weeks of paid maternity leave after giving birth to a child.

*** 20160403 FY 2017 Revisions to City/BLW Pay and Classification System documents**

Approval of ordinance adopting the City of Marietta and Board of Lights and Water Position Allocation Charts, and the Compensation, Position Classification, and Career Development Plans for FY 2017, with changes to take effect on the pay period beginning July 3, 2016.

*** 20160447 Public Safety Working Test Period**

Approval of ordinance amendment requiring sworn or certified employees of the police and fire departments to serve an initial working test period of eighteen (18) months.

*** 20160453 GMA Voting Delegates**

Appointment of Michelle Cooper Kelly as voting delegate and Grif Chalfant as the alternate voting delegate for the 2016 GMA Business Meeting being held during the GMA Annual Convention Monday, June 26, 2016.

*** 20160483 Amount of Normal Retirement Benefit for Elected Officials**

Approval of ordinance amending the Consolidated Retirement Plan to limit the normal retirement benefit for elected officials sworn into office on or after January 1, 2018, to seventy-three and a half percent (73.5%) of the benchmark amount of the total compensation of the Mayor, including the Mayor's combined compensation as both Mayor and as ex officio Chairman of BLW, as of the elected official's final term of service.

Council member Goldstein abstaining

*** 20160484 Pension Board Attorney**

Motion approving the law firm Elarbee, Thompson, Sapp & Wilson, LLP as an additional Pension Board Attorney for the current term of Council or otherwise designated.

6. Public Safety Committee: Michelle Cooper Kelly, Vice Chairperson

* **20160463 Policy Revision**

Motion approving revisions to the following Standard Operating Procedures for the Marietta Police Department: A041 Organizational Structure, A044 Uniforms, Equipment, & Department Property, A046 GCIC & NCIC Computer Systems, E035 Critical Response Team, P051 D.U.I. Arrest, S020 Canine Unit, S045 Crime Interdiction Unit, T040 Firearms Qualifications, T050 Training.

7. Public Works Committee: Grif Chalfant, Chairperson

* **20160257 Request by Sutton Group for variance from the Underground Utility Ordinance**

Motion to approve the request for removal of two poles and consolidation to one pole at intersection of Cogburn and Roselane Street.

* **20160496 Allgood Road Lighting**

Motion to approve the request by Councilwoman Michelle Cooper Kelley for consideration of lighting along Allgood Road from Sawyer Road to Scufflegritt Road.

* **20160497 IGA with Cobb County for Stream Monitoring**

Motion to approve an IGA with Cobb County for stream monitoring.

* **20160508 Scott Drive No Parking Zone**

Motion to approve the request by MPD for a no parking zone along the frontage of 211, 221, and 231 Scott Drive.

* **20160515 Variance from the Underground Utility Relocations Ordinance at Burnt Hickory Road**

Motion to approve the request by Marietta Power for consideration of a variance from the Underground Utility Relocation ordinance at Arbor Terrace on Burnt Hickory Road

* **20160552 Speed Signs on Alexander and Gramling**

Motion to authorize the installation of speed signs on Alexander and Gramling Streets.

* **20160423 Request for speed tables**

Motion to begin the process to install two speed tables on Knollwood Drive, Hope Street and Pamela Street. Further, to reduce the speed limit on Forest Lane to 25 mph.

Council member Goldstein opposed

OTHER BUSINESS:

20160285 V2016-15 [VARIANCE] KEITH CRISTAL

V2016-15 [VARIANCE] KEITH CRISTAL requesting variances for property located in Land Lots 800, 801, 802 & 856, District 16, Parcel 0020, 2nd Section, Marietta, Cobb County, Georgia, and being known as 800 Williams Drive, currently zoned LI (Light Industrial).

- Variance to allow gravel as an acceptable parking surface.

Councilman Goldstein disclosed that Keith Crystal is a tenant of Herbert S. Goldstein Family Limited Partnership, which he is a manager, owner and/or general partner.

* **20160343 V2016-19 [VARIANCE] IDOC MAIN, LLC**

V2016-19 [VARIANCE] IDOC MAIN, LLC (CRESCENT VIEW ENGINEERING) requesting a variance for property located in Land Lot 1002, District 16, Parcel 0130, 2nd Section, Cobb County, Georgia, and being known as 895 Canton Road, currently zoned CRC (Community Retail Commercial).

- Variance to eliminate a required planter island. Ward 5B.

* **20160566 Roswell Street Speed Feedback Sign**

Motion approving a request to install a driver speed feedback sign near Coryell Street.

* **20160568 Windsor Drive Speed Feed Back Sign**

Motion approving a request to install two driver speed feedback signs on Windsor Drive.

* **20160561 Determination of Council representatives on Pension Board**

Approval of ordinance amending the retirement plans of the City of Marietta (Section 4-12-4-010 et seq. and Section 4-12-6-010 et seq.) by changing how the Council representatives on the Pension Board are determined.

Council member Goldstein opposed

* **20160563 Elected Officials Compensation**

Motion to authorize advertisement of two public hearings to amend the Marietta City Charter Section 2.12 and Section 2.7 to provide for an increase in compensation for the Mayor and City Council and Mayor Pro Tem as attached to be effective upon the sitting of the Term of Council January 2018.

* **20160596 MEAG Power 2016 Annual Election/ Voting Delegate Recommendation**

Motion to approve a recommendation by the Board of Lights and Water to appoint G.A. (Andy) Morris as the voting delegate on the 2016 Municipal Electric Authority of Georgia (MEAG) Election Committee and Ron Mull as alternate voting delegate.

* **20160551 BLW Actions of May 9, 2016**

Review and approval of the May 9, 2016 actions and minutes of Marietta Board of Lights and Water.

UNSCHEDULED APPEARANCES:

Each speaker is allotted five (5) minutes.

ADJOURNMENT: